

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDWARD O'FINNEGAN,

Plaintiff,

v.

No. 10-CIV-965 WJ/LFG

CAPITOL ONE AUTO FINANCE, INC.

Defendant.

NOTICE OF COMPLETION

Defendant, Capital One Auto Finance by its attorneys Modrall, Sperling, Roehl, Harris & Sisk, P.A. and Quarles & Brady LLP hereby notifies the Court that the following pleading has been filed:

(1) Defendant Capital One Auto Finance's Motion to Dismiss With Accompanying Authorities, filed November 22, 2010 (Doc. No. 6).

Pursuant to D.N.M. LR-Civ. 7.4(a), a response to the above motion was due on December 9, 2010. No such response was received, nor was counsel for Defendant contacted by counsel for Plaintiff to request an extension. Pursuant to D.N.M. LR-7.1(b), the failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion. For these reasons, and those set forth in Defendant's Motion, Defendant respectfully requests that the Court grant its Motion and award attorneys' fees for the filing of this Motion.

QUARLES & BRADY LLP
Kevin D. Quigley (kquigley@quarles.com)
John Craiger (jcraiger@quarles.com)
One Renaissance Square
Two North Central Avenue
Phoenix, AZ 85004
(602) 229-5200
Fax (602) 229-5690

and

MODRALL SPERLING ROEHL
HARRIS & SISK, P.A.

Electronically Filed

By /s/ Stan N. Harris, Attorney at Law
Stan N. Harris (sharris@modrall.com)
P. O. Box 2168
Albuquerque, NM 87103
(505) 848-1800
Fax (505) 449-2006

**ATTORNEYS FOR DEFENDANT CAPITAL
ONE AUTO FINANCE, INC.**

WE HEREBY CERTIFY that on the 21st day of December, 2010, we filed the foregoing electronically through the CM/ECF system, which caused the following counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Edward O’Finnegan, Pro Se Plaintiff (Edward.OFinnegan@gmail.com)

MODRALL SPERLING ROEHL
HARRIS & SISK, P.A.

By /s/ Stan N. Harris
Stan N. Harris
Attorneys for Defendant Capital
One Auto Finance, Inc.

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